

1966

A Historical Study of the Selah and Moxee Irrigation District

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A HISTORICAL STUDY OF THE
SELAH AND MOXEE IRRIGATION DISTRICT

A Thesis
Presented to
the Graduate Faculty
Central Washington State College

In Partial Fulfillment
of the Requirements for the Degree
Master of Education

by
Alfred C. Moss
August 1966

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APPROVED FOR THE GRADUATE FACULTY

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PREFACE

The author would like to express his appreciation to: Cecil Lentz, Superintendent of the Yakima Project for making available the records and services of his office; Charles A. Rankin, the son of George S. Rankin, for information given and the use of the two photographs used in this paper; Perry M. Robinson, a Yakima attorney and the current Secretary-Treasurer of the Selah and Moxee Irrigation District, for providing full access to the District's records and legal advice in the preparation of this paper; the Board of Directors of the Selah and Moxee Irrigation District, Art Aaron, Alan Champoux and John VanderHouwen, who permitted this study; and finally, my wife Nancy, for endurance.

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CHAPTER I

INTRODUCTION

The Study

The Selah and Moxee Canal carries water from the Yakima River which irrigates some 7,000 acres of rich farm land in the East Selah and Moxee valleys. It has been the means by which most of the farmers of these two valleys have operated for over six decades. The control and distribution of the water to this area is a history of enterprise, dedication and hard work by men who recognized the potential of the arid lands.

Statement of the study. The purpose of this historical study is formally: (1) to recognize the development of the Selah and Moxee Irrigation District; (2) to show the importance of water to the East Selah and Moxee valleys; (3) to show the enterprise and struggle of the people of the East Selah and Moxee valleys in bringing the water to their lands; and (4) to show the Selah and Moxee Irrigation District's independent operation, yet dependency on the Yakima Project for storage water.

Justification and limitations of the study. The creation of interest for this study began during World War II when the author's father purchased twenty acres of farm land bordering the Selah and Moxee Canal in the East Selah

Valley. The author helped irrigate the land and often went swimming during the hot summer days at the "old swimming hole" in the Canal. Recalling that his father always had "free" water and the years of fond remembrance for the Canal, the author became interested in the background and development of the Selah and Moxee Irrigation District.

Irrigation to the Yakima Valley means life. The movement of water from the Yakima River to the arid lands of the valleys has as much significance to farming as the building of a foundation before building a house, for without water in this area, there would be no farming. Professor William D. Lyman states in History of the Yakima Valley,

A history of irrigation in the Yakima Valley comes near being a history of everything. For every enterprise here, after the first era of range stock, has been the outgrowth of irrigation, and even the stock business in its present 1919 features of high grade stock and dairy products is a direct outgrowth of irrigation (45:349).

There are several potential studies that the author became intrigued with, but because of the nature of this study, could not pursue. (1) The life of George S. Rankin. Mr. Rankin's contribution to the Yakima Valley merits a detailed study. His memoirs, diaries and letters are currently in the possession of Mr. Charles A. Rankin, Yakima, Washington. (2) A sociological study of the French and Dutch communities. They settled in the Moxee Valley before the turn of the century. Many second generation relatives

are still living and operate their ancestors' land. (3) The Moxee Company (not to be confused with the Selah and Moxee Irrigation District), has an interesting history. It was a speculation of some highly-educated Eastern capitalists, which turned into a rich, hop-growing company. When the eighteenth amendment to the United States Constitution prohibiting the production of alcoholic beverages was passed in 1920, the Company dissolved but was reorganized in 1925 as the Moxee Ditch Company.

This study will not evaluate the merit of private enterprise against the operations of the United States government because there was no federal project in the immediate area with a comparable situation. It will make no attempt to deal with the Yakima Project of the United States Reclamation Service except in relation to the purchase of storage water. Finally, because there has been no significant changes except the coming of the Roza Project in 1937 above the Selah and Moxee Irrigation District, the study will assume that the Irrigation District is in the same relative condition and position as it was in 1931.

Geographical setting. The Yakima River begins in the upper slopes of the Cascade Mountains in the State of Washington. It flows in a south-easterly direction for about 175 miles to join the Columbia River above Kennewick, Washington.

During the decline of the last ice age, when glaciers covered the northern half of the state, the river was a chain of four extensive lakes. Today the cultivated portions of the valley are in the bottoms of these ancient lakes. Ellensburg is near the center of the upper one. The Selah and Naches valleys are in the second. The city of Yakima is in the upper part of the third, which extends down the valley to the last spur of the mountains, Ahtanum Ridge. Passing through this ridge at Union Gap, the river flows for eighty miles through the lower valley until it reaches the Columbia. This is the last and largest of these Pleistocene lakes. When the glaciers melted away the lakes receded, leaving behind a series of level basins, having a total area of about 3,500 square miles (14:100).

The East Selah and Moxee valleys are the basin areas of the Selah and Yakima valleys east of the Yakima River. The East Selah Valley is a level basin extending about one mile east of the river before it reaches the slopes of the Yakima Ridge. The Moxee Valley extends about four miles east of the river. Like the East Selah Valley, it "is quite uniform in contour . . . with easy slopes. . . . The general slope is to the South, although the drainage finally is to the West into the Yakima River" (69:1).

In general, the soil of these two valleys

. . . would seem to be a combination of disintegrated basalt, volcanic ash and windblown loess about the consistency of flour. Like other volcanic soils, it is marvelously fertile, and in some places . . . it is thirty feet deep (14:100).

The volcanic ash is mellow and retains the moisture provided by irrigation water. These two valleys have excellent drainage and thus have experienced little difficulty with alkali

rising to the surface because of intensive irrigation.

A testimonial to the depth of the excellent topsoil was made by Mr. Wilfred Rivard, owner of sixty acres of hop yards directly south of Moxee City. "Mr. Simon, a well-driller, drilled a well for me in either 1924 or 1925. He went down thirty-two feet before he hit a rock" (32).

The measurement and acquisition of water. The basic measurement of flowing water is cubic feet per second. Since one cubic foot of water is equal to 7.48 gallons, then one cubic foot per second of water would be 7.48 gallons or 448.8 gallons per minute flowing past a given point. If this rate were continued for twenty-four hours it would equal 646,272 gallons per day. This is equal to 1.9835 acre-feet of water per day or about 87,000 cubic feet. An acre-foot is sometimes referred to and is simply the volume of water sufficient to cover one acre one foot deep or about 43,560 cubic feet. An acre-inch is the latter quantity divided by twelve or 3,630 cubic-feet.

There are two recognized methods of gaining water rights, riparian and appropriation. Riparian rights are those appurtenant to one's land because a water course passes through the land. People who own non-riparian lands, that is, not contiguous to a water course, have no water right except that allowed by the custom, which became the recognized law of appropriation. This was the practice of

filing a water right claim with the land office or Auditor's office to a certain quantity of water flowing in a specific water course. The filing date of the claim established its priority in right over other claims.

Preview of the study. The Selah and Moxee Canal was the result of efforts by the entrepreneur, George S. Rankin. As an investor in profit-making projects, he sought the development of some of his land in Terrace Heights and the Moxee Valley by forming the Selah and Moxee Canal Company in 1900. The twenty-seven mile canal was built to supply water for the lands of these valleys on a higher elevation than that of previous independent efforts.

In 1912, the Selah and Moxee Canal Company was purchased by the Central Washington Investment and Power Company, owned primarily by the same George S. Rankin. This company had a large acreage of land which became known as Terrace Heights. Because of Mr. Rankin's previous interest in the Selah and Moxee Canal Company, the Central Washington Investment and Power Company obtained 1,700 shares of "free" water for its land above the canal. This led to two law suits against Rankin and the Central Washington Investment and Power Company. These suits were settled out of court without damages being awarded and resulted in the formation of the Selah and Moxee Irrigation District in 1917.

The Irrigation District then established its water

rights and purchased small amounts of water stored by the United States Reclamation Service in its reservoirs near the headwaters of the Yakima River in the Cascade Mountains. The farmers of the Moxee Valley became concerned over the dependable delivery of water via the 20,000 foot flume through the Selah gap and in 1928 approved a \$200,000 bond issue to construct a 9,600 foot tunnel through the Yakima Ridge. This project was completed by June, 1930, and has successfully delivered water to the lands under the Selah and Moxee Canal in the Moxee Valley since without any serious difficulties.

Review of the literature. The United States Reclamation Service, Department of the Interior, has published authoritative reports on the early water rights of the Yakima River. This information is contained in the annual reports to the Secretary of the Interior. They establish the legal rights to the water used by the Selah and Moxee Irrigation District.

In 1938, a civil action was filed in the District Court of the United States for the Eastern District of Washington, Southern Division, entitled "Kittitas Reclamation District, a corporation; Selah and Moxee Irrigation District, a corporation; et al; Plaintiffs, vs. Sunnyside Valley Irrigation District, a corporation; et al; Defendants, No. 21." The judgment, filed January 31, 1945, established the

permanent appropriated and purchased water rights of every private individual and company taking water from the Yakima River (42:21).

There are two unpublished Master of Arts theses which are helpful in understanding the over-all idea of Yakima Valley irrigation. Rose M. Boening in 1918 wrote a general work on "The History of Irrigation in the State of Washington." Her study is particularly helpful in outlining the basic territorial and state laws affecting the evolution of Yakima's early irrigation. She described the various problems experienced by private enterprise which tried, with limited funds, to develop adequate irrigation works.

Calvin Coulter's "The Victory of National Irrigation in the Yakima Valley, 1902-1906" is an excellent source for understanding the need for the federal government to take over the operation of irrigation in the Yakima Valley. Written in 1951, his work is detailed in its analysis of how the difficult problems of irrigation encountered by private enterprise were solved by the coming of the United States Reclamation Service (14:99).

In 1948 Emmett Kaiser Vandevere wrote a doctoral thesis at the University of Washington entitled "History of Irrigation in Washington." It provides a detailed and accurate account of irrigation's expansion throughout the state with special emphasis on those developments after 1918.

Sources of information. The information for this thesis is almost entirely drawn from (1) the research of the minutes, deeds, contracts, agreements, civil actions, articles of incorporation, by-laws and other documents of the Selah and Moxee Canal Company, the Central Washington Investment and Power Company, and the Selah and Moxee Irrigation District; (2) the review of selected news articles in the Yakima Herald and Yakima Republic; and (3) interviews with people of the East Selah and Moxee valleys who actually experienced the growth of the Selah and Moxee Irrigation District. The author's first interviews were with Charles E. Boden, Harold E. Moss and George W. Sheets, farmers of the East Selah Valley. The author later interviewed Art Aaron, one of the Directors of the Selah and Moxee Irrigation District, Hervy and Walt Brulotte, Andrew DeLagesse, Wilfred Rivard, Al Bateman and Mrs. Bessie Marsh, long-time residents of the Moxee Valley. Others the author spoke with were: Helen Bateman, Secretary of the Fowler Ditch Company; Charles Massoth, Secretary-Treasurer of the Union Gap Irrigation District; Robert Lince, a Selah historian; T. J. Smith, a Wapato attorney for the Union Gap Irrigation District; and Frederick Velikanje, a Yakima attorney who is Secretary-Treasurer of the Moxee Ditch Company.

CHAPTER II

IRRIGATION IN THE EAST SELAH AND MOXEE VALLEYS BEFORE 1900

Legislation

As the West and particularly the Yakima Valley was being settled, legislation on the federal, territorial and state levels was enacted to provide an orderly development of the arid lands. A review of this legislation is necessary to understand the legal rights possessed by the individuals, companies, corporations and irrigation districts as they sought land and to make it productive by bringing the precious water to it.

Federal. The oldest of the land laws still in use when the settlers began arriving in the Yakima Valley in the 1870's was the Pre-emption Act of 1841. It permitted a settler, after squatting on government lands for six months, to purchase one-hundred-and-sixty acres at a minimum price of \$1.25 an acre. The opportunity to acquire land was increased by the Homestead Act of 1862 which freely granted, upon the condition of a five-year residence, 160 acres to heads of families or persons over twenty-one years of age who were citizens or who had filed their papers declaring their intention to become citizens. It was possible to juggle these acts so one could obtain 160 acres under each. First, the squatter could get his 160 acres under the Pre-emption Act, then homestead another 160 acres. This way he obtained 320 acres at minimum expense (10:598).

The development of irrigation projects on a private basis was authorized when the United States Congress on July 22, 1866, passed a statute which recognized the "customary priority rights . . . of possession of water rights, rights to ditches and reservoirs, whenever these rights are recognized by the . . . local customs, laws and the decisions of the Courts" (5:273). This made it possible in the territories, such as Washington, for any person to construct or develop a facility for the diversion and conveyance of water from a source.

Another federal act was passed on July 9, 1870, providing:

That all patents granted or pre-emption or homestead allowed shall be subject to any vested or accrued water right or rights to ditches or reservoirs used in connection with such water rights, as may have been acquired or recognized by the preceding section (5:273).

The latter two acts meant that the United States surrendered its power over non-navigable rivers, such as the Naches, and some of its power to regulate the waters of navigable rivers, as the Yakima. It established the fact that private individuals could develop a canal or ditch where they chose and could divert any amount of water that was deemed necessary from a primary source without regulation by the federal government.

When the attention of Eastern capitalists was drawn to the vast acreage of arid lands in the West waiting for development, Congress passed the Desert Land Act on March 3, 1877. It offered 640 acres of arid land to a settler on the condition that he could reclaim the land within three years and pay \$1.25 per acre. The settler had to prove that he had

reclaimed at least one-eighth of the land (5:273).

This opportunity allowed considerable speculation and people soon bought sizeable portions of arid lands in the East Selah and Moxee valleys. They experienced difficulty in getting water to the land in order to meet the requirements of the Act. This promoted the development of small, independent efforts in these valleys where the elevation of the Yakima and Naches rivers enabled the use of short canals to bring the water to the acres of good, but arid land.

One of the most helpful pieces of national legislation was the Act of August 30, 1890, which provided that "in all patents issued after that date a right of way shall be reserved for ditches or canals constructed by the authority of the United States" (19:113). Although it was later held that this act did not apply to railroad sections or school lands (which encompassed much of the East Selah and Moxee valleys), it proved to be a check and guideline for the development of the vast number of irrigation projects which never progressed beyond the idea or planning stage.

In 1891 the Desert Land Act of 1877 was amended to curb some of the speculation that was created by men taking personal advantage of the law and the abundance of fine land. In addition, it required:

. . . A map . . . showing mode of contemplated irrigation and showing sources of water. . . . No patent shall be issued until his assigners shall have expended in necessary reclamation and cultivation thereof, by means of main canals and branch ditches, at least \$3.00 per acre (6:37).

In that same year another act was passed providing for "the right of way through public lands . . . of the United States to any canal or ditch company formed for the purpose of irrigation. . . ." (79:8392). Thus, the land deeded to the Northern Pacific Railroad and school lands no longer served as a barrier to the construction of canals. This new provision applied directly to the Selah and Moxee Canal Company when it sought a right of way through the Moxee Valley in 1900.

As a result of the detrimental speculation in land and canal development and the effect of the Panic of 1893, many an irrigation company failed for lack of funds. In 1894 Senator Joseph Carey of Wyoming pushed a measure through the United States Congress in an effort to promote the Big Horn Basin project in his own state. The Carey Act, as it was known, authorized the transfer of up to one million acres of public domain lands to each of the western states provided they could irrigate the land. This, in effect, gave these states the opportunity to move ahead with their own programs of providing water for the arid land. The State of Washington applied for 86,854 acres, but the claim lapsed for lack of development.

To expand the possible uses of a canal or ditch, the United States Congress on May 11, 1898, established the right to create "water transportation, domestic purposes and the development of power as subsidiary to the main purpose

of irrigation or drainage" (79:8393). This encouraged further interest by capitalists who flocked to Yakima and Kittitas counties in hopes of making huge profits by developing canals, ditches, reservoirs and drainage ditches that could provide water and perform other services.

Territorial. The first territorial legislation which related to the beginning of irrigation canals and ditches in the East Selah and Moxee valleys was the "Regulating Irrigation and Water Rights in the County of Yakima" Act of the Legislative Assembly of the Territory of Washington, November 13, 1873. It said,

A person or persons or corporation or company who may hold title to any agricultural land within the limits of Yakima County, Washington Territory, shall be entitled to the use and enjoyment of the waters of the streams or creeks in said county for the purposes of irrigating and making said land available for the agricultural purpose to the full extent of the soil thereof. When such a person has no available water facilities upon the same, or when it may be necessary to raise the same in order to irrigate, he shall have the right of way over any tract or piece of land for the purpose of conducting or conveying said waters by means of ditches, dykes, flumes and canals. In all controversies respecting the right of water under the provisions of the act the same shall be determined by the date of the appropriation as respectively made by the parties. The waters of the streams or creeks of the county may be made available to the full extent of the capacity thereof for irrigation purposes, so that the same do not materially affect or impair the rights of the prior proprietor, but in no case shall the same be diverted or turned from the natural channel, ditch or canal of such proprietors so as to render the same available. . . . (43:520).

In the election of 1882, John A. Shoudy, an Ellensburg

Republican, defeated George S. Taylor, a Yakima Democrat, for Yakima County's representative to the Territorial Legislature. In 1883 the former presented a bill to create a separate Kittitas County out of Yakima County. This prompted the Legislative Assembly of the Territory of Washington to enlarge on the "Regulating Irrigation" Act by including Kittitas County and expanding the opportunities for local development of irrigation projects. It provided that,

. . . any person holding or possessing title to lands in these counties is entitled to waters of streams or creeks for irrigation to make the land available for agricultural purposes . . . and granted . . . the right to dyke or raise water level in order to make water available. . . such persons or corporations shall have the right of way through and over any tract or piece of land. . . . (44:508) (46:349).

State. When Washington became a state in 1889, it showed its legislative enthusiasm towards the irrigation and development of its arid lands. The establishment of the rights to water of persons not owning land contiguous to the normal channel of the source was constituted by the March 4, 1890, Act relating to water rights, during the first session of the State Legislature.

Any person is entitled to take from any of the natural streams and lakes in this state water for the purpose of irrigation.

.

Any person who owns or has the possessory right to lands in the vicinity of any natural stream or lake, not abutting such stream or lake, may take water from such stream or lake if there be any

surplus or unappropriated water in such stream or lake (102:706; 45:455).

On the same date, the State Legislature followed federal and territorial legislation by establishing the right of any properly organized corporation to construct ditches or canals to carry water for irrigation purposes by saying,

. . . any person or persons, or association or firm, may construct irrigating canals, ditches or flume ways for the purpose of carrying water from any natural stream, reservoir, or any lake within this state, and may condemn the right of way therefor . . . for purposes of furnishing water to persons upon the line of said ditch, or its lateral branches, to irrigate the lands of any person or persons. . . . (103:721; 45:401).

The State Legislature then added support on March 9, 1891, establishing the principal of appropriation with the act "Concerning Appropriation of Water for Irrigation, Mining and Manufacturing;" Chapter CXLIII, Section one, provided that,

The right to use water in any lake, pond or flowing stream in this state, or the right to the use of water flowing in any river, stream, or ravine of this state for irrigation, mining, or manufacturing purposes, or for water works, may be acquired by appropriation, and as between appropriations the first in time is the first in right (104:327).

The requirements and details of the organization and government of irrigation districts and the sale of their bonds were designed by the Act of March 20, 1890. It proposed in part,

The board of directors shall have the power to construct said works [canals, ditches and reservoirs] across any stream of water, water course, street, avenue, highway, railway, canal, ditch or flume,

which route of said canal or canals may intersect or cross (103:691; 78;87.03.455).

The State avoided possible legal difficulties with the irrigation districts and corporations by easing the problem of gaining rights of way. "A right of way is hereby created for any water way or waterways herein provided for through any lands belonging to the State of Washington (72:245). It meant that companies and irrigation districts which sought to develop higher elevation canals would have little or no difficulty acquiring a right of way.

The administration of these provisions was carried out by the Act of March 22, 1895, which approved the creation of

. . . the office of commissioner of arid lands for the purpose of carrying into effect the provision of this act Carey Act of August 18, 1894 for the reclamation and full acquirement of the million acres of arid land donated (73:452).

The office was opened in North Yakima, the center of irrigation activities, by L.S. Howlett on June 22, 1895. Since all proposals for the construction of irrigation works had to be filed with the Commissioner, the title was changed to Commissioner of Irrigation on March 19, 1897 (39:545).

Private Developments

When the first white immigrants settled in the Yakima Valley they found fertile soil and an abundance of water. Riparian water rights helped establish several efforts of irrigation in the late 1860's and early 1870's on the west side of the Yakima River in and around what is now the city of Yakima. Three examples are: (1) The "Goodwin, Stallcop,

Vaughn, Maybury and Simmons" effort built a canal in the spring of 1868 with headgates one mile above the mouth of the Naches River. This became the Union Canal. (2) Judge John Wilson Beck constructed a canal in 1872 which took water from the Yakima River one-half mile north of the Old Moxee Bridge on the Yakima River, and (3) Joseph Schanno's ditch was started in 1873. It took water from the Naches River several miles northwest of its mouth. (For full details, see: 46:349; 5:269; 6:21; 14:99; 102:14 and 17; 18:433; 1:157,178; 93:135; 7:145, and others.)

The Bounds-Taylor ditch in East Selah Valley. Early settlers of the East Selah Valley were mainly stockmen who used the range land for their herds. George S. Taylor homesteaded in the upper Selah Valley in the 1870's and accumulated over 1,000 acres on both sides of the Yakima River. In the fall of 1880, he started a flume and canal to divert water from the river to his lands in the Selah region. This was the original Taylor ditch used for agricultural, stock and domestic purposes. Most of his land, however, was used for range cattle. When he was killed accidentally on April 21, 1900, in a fall from a cliff, his sons, George W. and Harland, continued to use the range land west of the river, but in time sold the land in the East Selah Valley.

P.A. Bounds and Cort F. Meyer were also cattlemen who came to the East Selah Valley in 1886 and 1887, respectively. They operated a partnership at the lower end of the valley.

Since they actually had land from the river to the Yakima Ridge, they were able to allow their cattle to graze over their entire property in search of bunch grass. After the Bounds-Taylor ditch was in operation they raised their own alfalfa hay.

The East Selah Valley was soon settled by people who either homesteaded or settled under the provisions of the Desert Land Act of 1877. Isaac Brooks and Wenzal Maywald were two typical farmers who homesteaded on the land that was over one mile from the Yakima River. It was almost impossible to reclaim this land without the drilling of artesian wells or the construction of ditches or canals to obtain water. Since the Bounds-Taylor ditch went through one-half of their land, they were able to reclaim it and grow potatoes, grain and hay. Other farmers moved into the Valley and developed it into a fine vegetable-growing area. The Selah Orchard Land Company started orchards in the bottom lands of the Bounds-Meyer property shortly after 1900.

The Bounds-Taylor ditch (see Figure 1) was constructed in the early 1890's by P.A. Bounds, Cort F. Meyer, George S. Taylor and others "for the purpose of irrigating that portion of their said lands lying below said ditch" (93:135; 7:145). It had a water right to eighteen cubic feet per second of water obtained by appropriation to George S. Taylor in 1884 (50). When the need arose for a better canal to deliver water to the lower (south) end of the East Selah

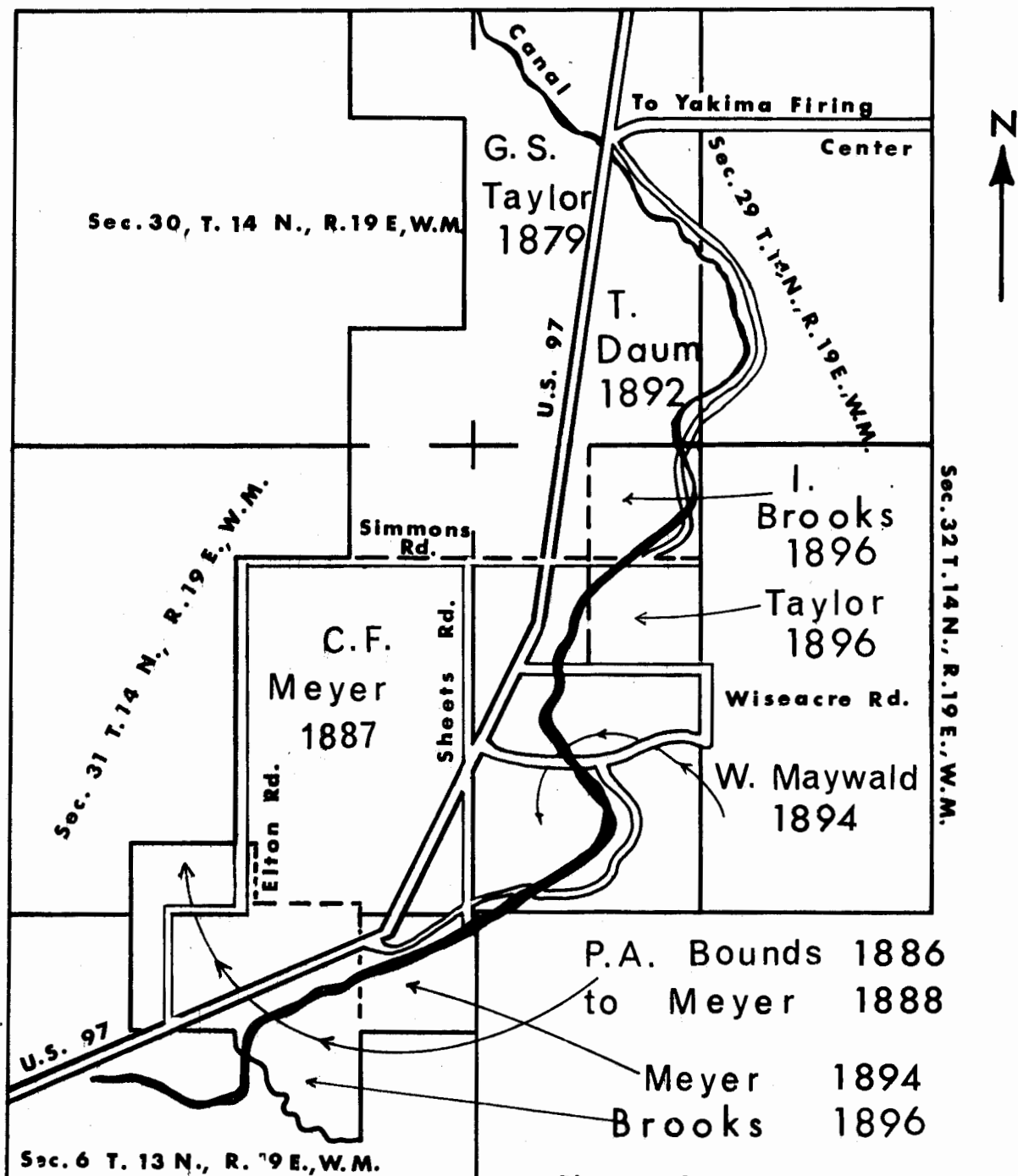


Figure 1

EAST SELAH VALLEY

LAND OWNERS BEFORE 1900

BOUNDS - TAYLOR DITCH

Valley, and to provide more water for those on the ditch because of increased farming activities in the area, the ditch right of way was used for the construction of the Selah and Moxee Canal in 1900.

Moxee Valley. The first settlers to the Moxee area began arriving in the early 1880's. By 1896, it was evident that two nationalities, the French and the Dutch, were forming the nucleus of the settlement. Of these two groups, the French were the first to homestead or purchase large pieces of land. A typical settler built a shelter and then sent for the rest of the family which was usually in Quebec, Canada or the State of Minnesota. This seems to have been repeated for several decades. Most of these people were Roman Catholic with large families and dedicated to hard work. They usually raised hay, potatoes, grain and were among the first to lay out hop yards. This valley is now the residence of many second and third generations of French descent.

The other group was the Dutch, who settled in the same manner as the French. Most of them came from the Midwest and settled in the "Holland district," northwest of Moxee City. They founded the Dutch Reformed Church of Moxee and maintained their own grocery and cemetery. They, too, were hard workers. Their farms were not as large as those of the French, although usually more diversified, raising

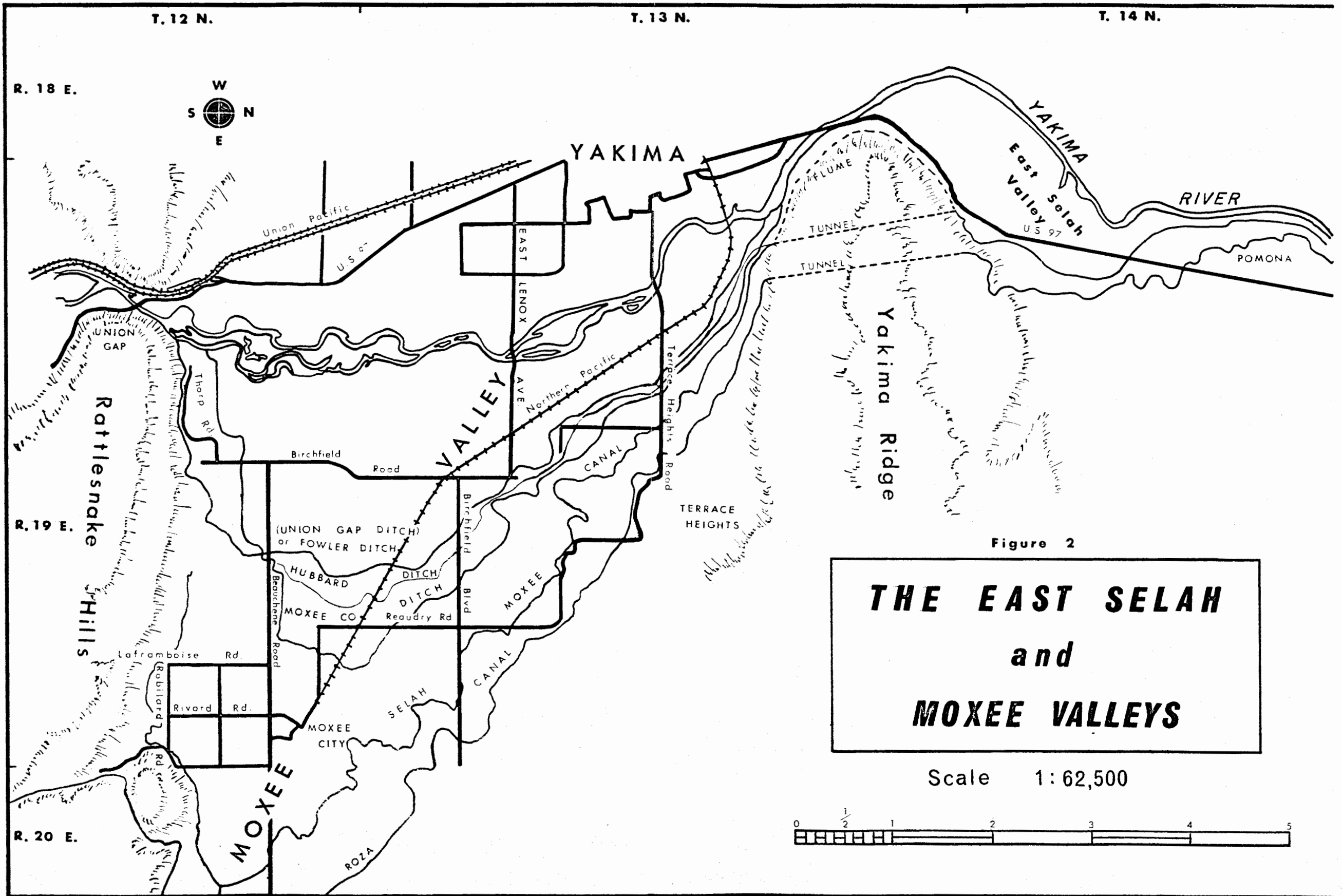
vegetables, hay, grain, potatoes, and dairy cattle.

Charles V. Fowler filed in the Yakima County Auditor's office on May 21, 1885, a water right claim to 600 cubic inches per second of water flowing through the Fowler ditch. The patent established that the ditch "was first located by C.V. Fowler in April, 1880 and constructed and completed . . . in that same year" (102:14). It was eight miles long and provided a supply of water for irrigation and domestic use for about 2,000 acres. The Fowler Ditch Company, as it was known, was purchased in 1904 by Messrs. Lombard and Horsley, owners of a furniture business in North Yakima. The name was changed to the Union Gap Irrigation District, but the Fowler Ditch Company retained twenty cubic feet of water (19:24).

The Moxee Company constructed two ditches, the Moxee Canal and the Hubbard ditch (See Figure 2). The company was financed and the ditches constructed in 1888-1889 by the father-in-law of Alexander Graham Bell, Gardiner G. Hubbard of Washington, D.C., and William Ker, Esq. of Moxee. Incorporated October 11, 1892, the two ditches used the same intake and followed the same channel for about one-half mile. They then divided and wound their way, like a snake, through the rich bottom land of the Valley, most of which had long been owned by the Moxee Company. It was an imaginative company as suggested by this Seattle Post Intelligencer account in 1889.

. . . under the intelligent supervision of President Ker, [the Moxee Company] has carried the science of irrigation to a higher degree of perfection than any other canal company in the country. This company's main ditch [the Moxee Canal] is 18 feet on the bottom and [is] calculated to carry a depth of three feet of water . . . [to the] thousands of broad acres with a sufficiency of water for irrigation, domestic and stock purposes (1:178).

Soon after the creation of the Office of Commissioner of Arid Lands in 1895, H.K. Owens, a Seattle engineer, was employed by the Office of Arid Lands in July to make a survey for the proposed Naches and Columbia River Canal. A colossal idea using Bumping Lake as a storage reservoir, it was planned to begin approximately thirty-three miles up the Naches River, cross the Yakima River, circle the Moxee Valley and then pass through the Rattlesnake Ridge by means of a 6,100 foot tunnel into the lower Yakima Valley. A total of 85,566 acres along the 150 mile canal were to benefit from this application of the Carey Act. However, when the weakness of the federal law in securing title to the land became apparent, special legislation was needed. It took several years to get an amendment and by this time the various canal companies had met the need in the Moxee Valley (6:23,37; 1:317).



CHAPTER III

INCEPTION AND GROWTH OF SELAH AND MOXEE CANAL 1900-1917

There was tremendous expansion of irrigation efforts between 1900 and 1917. Numerous private groups and corporations in the Yakima Valley formed irrigation works which failed because of cheap materials, poor surveying, surface water, financing or other difficulties. When the Reclamation Act of 1902 was passed authorizing the construction of irrigation works for the reclamation of arid lands, most of the Yakima Valley companies became a part of the Yakima Project. However, except for the purchase of storage facilities, the irrigation companies of the Selah and Moxee valleys never depended on the Federal government for financial support.

The Selah and Moxee Canal Company

As the twentieth century approached, the people of the rapidly growing Moxee Valley felt they seriously needed water delivered at a higher elevation than that of either the Fowler ditch or the Moxee Canal. In order to obtain this water, the source had to be far up the Yakima or Naches rivers. Since the people of the East Selah Valley already had a right of way and a canal with the intake near the mouth of the Selah Creek, it was logical to attempt to bring the water by flume through the Yakima River gap to a point across from the mouth of the Naches River. This was exactly what George S. Rankin proposed to do.

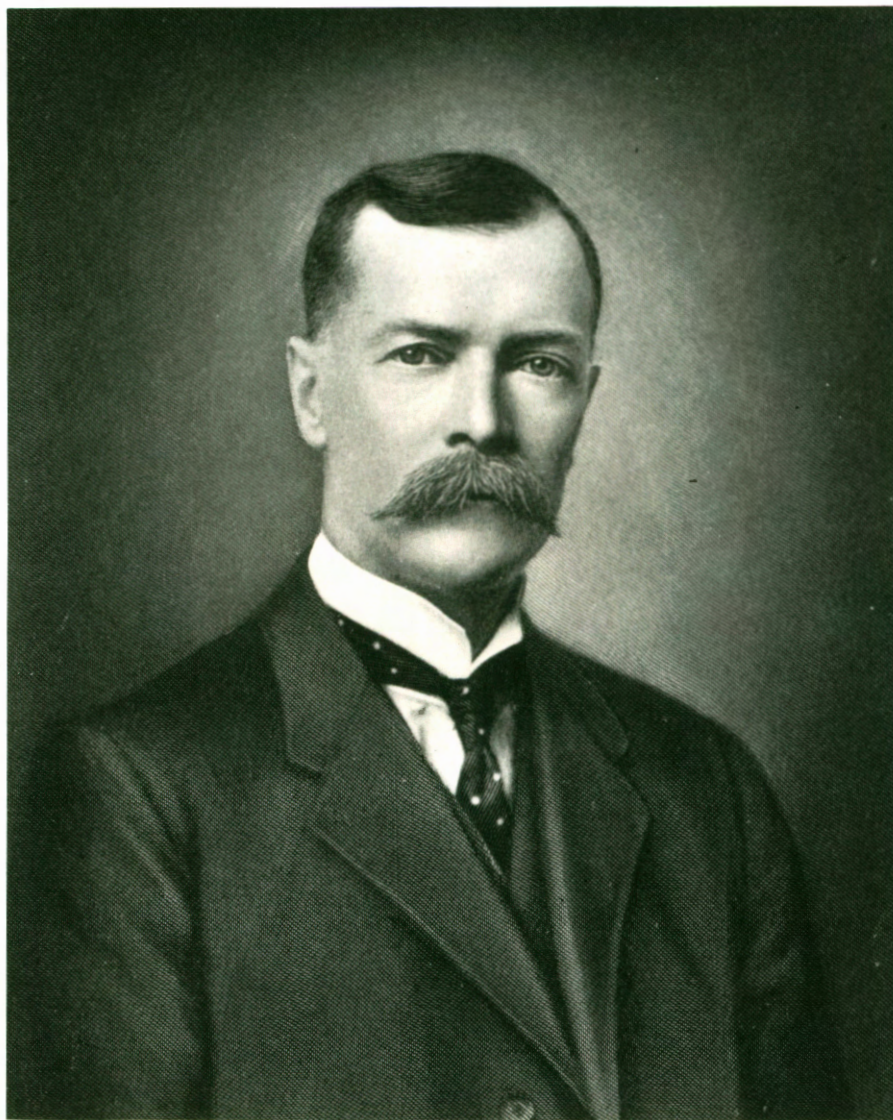
George S. Rankin came to Yakima in 1889 from the Midwest. After failure in the hardware business in Grays Harbor City, Washington, South Bend, Washington and Astoria, Oregon, he returned to North Yakima to operate the Fred Pennington Implement and Hardware Store in 1892. In 1897, he and W.A. Bell refinanced the Pennington interests and founded the Yakima Hardware Company.

In 1898, Mr. Rankin became interested in the first of his many investment interests. He and Alex E. McCredy formed the Wapato Development Company and bought eighty acres of land around the present site of Wapato from an Indian. They platted it and founded the city of Wapato. They attempted the same thing with Parker, but a town has never developed.

About this same time, Mr. Rankin interested a group of Minnesota investors in starting a sawmill in North Yakima. His proposition was that if they would put up the money he would purchase enough timber land in the Cle Elum area to make it worthwhile. This was done and the Cascade Lumber Company was founded on the Yakima River about one mile south of the Selah gap. The timber was floated down the river to a point where the lumber company had a fin or rudder dam (a five-foot-wide log boom stretched diagonally across the river. See Photo No. 2). The logs were directed via the Cascade ditch to the mill pond.

FIGURE 3

GEORGE S. RANKIN



1910 Photo courtesy of Charles A. Rankin

FIGURE 4

THE SELAH AND MOXEE CANAL COMPANY FLUME



1903 Photo courtesy of Charles A. Rankin

1. Selah and Moxee Canal Company's four-mile flume.
2. Cascade Lumber Company's 1,000 foot fin or rudder dam used to direct logs into Cascade ditch and millpond.
3. The Yakima River looking north toward Selah gap.

In 1901, he and George Weikel tried to develop a reservoir at the headwaters of the Tieton River. They purchased large acreage in the Cowiche district that would use the water. However, when Rankin offered a bill in the State Legislature to permit the construction of storage reservoirs by private companies, it was turned down and his eastern associates withdrew their financial interests. He then led the North Yakima Commercial Club in inviting the United States Reclamation Service to examine the possibility of constructing an entire reservoir system which would meet the needs of water users in the entire Yakima Valley.

Although he was involved in an amazing number of enterprises, four of Mr. Rankin's interests were associated to the development of the Selah and Moxee Irrigation District. The first was the Selah and Moxee Canal Company which is described later. He was inspirational in his leadership of the Yakima Valley Transportation Company. As Vice-President, he was instrumental in having the tracks laid to link Selah and Harwood to the Northern Pacific Railway's line through North Yakima. He tried to complete a line across the Yakima River to Terrace Heights, but was not successful. The third enterprise was the Central Washington Investment and Power Company. Mr. Rankin was the President, Alex E. McCredy was Vice-President and James O. Cull, Secretary-Treasurer. The company purchased a large

segment of land on the south slopes of the Yakima Ridge, but north of the Selah and Moxee Canal which was developed into Terrace Heights. Finally, the Yakima Orchard Security Company purchased large holdings of land above the canal, but east of those belonging to the Central Washington Investment and Power Company. At one time, it had the largest orchard in the world, but when the amount of storage water purchased for the canal ran out in 1918, it dried up, causing a loss of over \$150,000 (31).

Incorporation. In 1899 Mr. Rankin brought together the settlers of the East Selah and Moxee valleys by granting the landowners of East Selah free water and maintenance in exchange for the 100-foot right of way of the Bounds-Taylor ditch (93:135; 7:143). This formed the Selah and Moxee Canal Company. In the Articles of Incorporation February 1, 1900, the objectives of the company were clarified.

1. To build, construct, erect, maintain and operate a canal having its intake in Section eight, Township fourteen, North of Range nineteen, East Willimette Meridian, in Yakima County, Washington, and from thence running in a general southeasterly direction through the Moxee Valley, to be used for the irrigation of the lands of the stockholders of this Company in said Valley and for stock and domestic purposes thereon.

2. To supply its stockholders with water for irrigation, stock and domestic purposes by means of canals, ditches, reservoirs and other structures to be by it built or acquired, and to charge and receive rentals and tolls thereof.

3. To make appropriations of water, acquire water rights, rights of way, construct, maintain and operate canals, ditches, laterals, reservoirs, flumes and other structures, and maintain and operate the same for the purpose of irrigation.

4. To borrow money and execute its notes, bonds or other evidence of indebtedness therefor; and to mortgage, pledge and hypothecate its property both real and personal to secure the payment thereof.

5. Generally to do everything proper, necessary or convenient to carry out the objects aforesaid (2:55).

To provide water, the Company appropriated claims to 150 cubic feet of water per second from the Yakima River.

It is intended to divert said water for the irrigation of said lands by means of a canal having its intake at the point where this notice is posted, being upon the Southwest quarter of Southeast quarter of Section eight, Township fourteen, North of Range nineteen, East Willimette Meridian, and from thence to be conducted along the right of way of the Northern Pacific Railway Company, in a south-westerly direction to Section twenty; thence through the East Selah Valley in a general southerly direction to a point opposite the mouth of the Naches River; thence in a general southeasterly direction to about the center of Section nine, Township twelve, North of Range twenty, East Willimette Meridian; Moxee Valley thence in a westerly direction to the Yakima River (16:1).

The capital valuation of the Company was set at \$6,000 with 6,000 shares of stock valued at one dollar each. The "By-laws of the Selah and Moxee Canal Company" show that:

. . . George S. Rankin has subscribed for 5,980 shares of the capital stock of this Company, and

. . . ten shares held by . . . Edward Whitson and ten shares held by . . . W. T. Clark, the twenty shares so held by . . . Whitson and Clark being paid upon an adjustment made between . . . Rankin and . . . Whitson and Clark (75:XXXII).

Construction of the Selah and Moxee Canal. In the fall of 1900, bids were asked for construction of the Selah and Moxee Canal. Although the contract was not signed until December 21, 1900, the E. C. Burlingame Company began construction and relocation of the Bounds-Taylor ditch on December 10, 1900. The E. C. Burlingame Company ". . . agreed to construct the Selah and Moxee Canal, as surveyed by J. M. Hall, engineer for the [Selah and Moxee Company] . . . for the sum of \$37,000."

[It also] . . . agreed to complete and finish said canal including all flume work, headgates, waste-ways, and other work within 95 [working] days from December 10, 1900 [less days when work was impracticable because of frozen ground] (8).

By spring 1901, all of the East Selah Valley canal had been widened or relocated in the one-hundred-foot right of way; the flume was finished around the treacherous slopes of the Selah Gap; and the Moxee section, with its fifty-foot right of way, was nearing the northern slopes of the Rattlesnake Ridge, twenty-seven miles from the canal's intake.

On June 8, 1901, nine of the leading businessmen of Seattle, Tacoma and Spokane were the guests of the North Yakima Commercial Club to help celebrate the completion of the Selah and Moxee Canal. The guests were almost unanimous in concluding ". . . they supposed there had never been before a similarly remarkable growth and development in the same length of time" (38:1).

The service of the canal was successful and consistent in supplying water to farmers on its entire route. Since George S. Rankin had agreed with the stockmen-farmers of the East Selah Valley that they should receive free water and maintenance (for the right of way), no assessments were made on the unlimited amount of water they used. In the Moxee Valley, assessments originally were one dollar per share of water for those living below the canal. The original "By-laws of the Selah and Moxee Canal Company" provided also for the assessment up to twenty-five cents per share for the "purpose of accumulating a fund for renewal and repairs" (75:XVIII).

It was established by December 22, 1900, that "only 4,300 shares of the capital stock of this company are available for irrigation of the lands under the canal, in the Moxee Valley" (75:1st Amend. to XVIII). With 1,700 shares of the capital stock (most of which were in Rankin's name) lying above the canal, an assessment schedule was created for them. Until this land was purchased and the water rights used, Rankin would not be assessed for them. When the land was purchased and the water of the Selah and Moxee Canal utilized, the assessment was "\$.50 per share per annum for maintenance fee and . . . not . . . more than \$.125 per share for renewal and repairs" (75:1st Amend. of XVIII). This made it easier to sell some of the land and thus the

appurtenant water rights to the 1,700 shares above the canal.

By October 24, 1908, several hundred acres above the canal had been sold, and the Board of Directors called a special election of the stockholders to revise again Article XVIII of the "By-laws." The revision provided that:

. . . water . . . used upon any land above the canal of the Company shall thereafter be assessed 50 percent of the amount, and no more, which all other shares using water below the canal of the Company, by gravity flow, are assessed for annual maintenance and operating expenses and shall at all times pay its full and equal assessments for reconstruction and permanent improvements of the canal of flume of the Company (80:1).

Central Washington Investment and Power Company

The role of the Central Washington Investment and Power Company in the development of the Selah and Moxee Canal was far from positive. This company was a speculative enterprise that became a great success, mainly because of the "free" water it was able to obtain from the canal. Its right to the water involved two civil actions both of which were settled out of court.

Incorporation. On February 13, 1909, the Central Washington Investment and Power Company was incorporated by George S. Rankin and several other stockholders. It was formed "to acquire by appropriation, purchase, gift, grant, condemnation, lease or otherwise, water, water rights and water privileges for irrigation of and for domestic use. . . ." (2:467). One of the additional uses of this water was for

the development of power.

For an investment, the Central Washington Investment and Power Company purchased a large acreage of land east of the Yakima River on the south slope of the Yakima Ridge. This land was divided into five subdivisions which were to be developed for agricultural purposes and platted if the demand occurred.

In 1908 and early 1909, George S. Rankin announced that the capacity of the Selah and Moxee Canal had been reached and that the Selah and Moxee Canal Company was ready to transfer its shares of stock to the shareholders. Each landowner was entitled to one share of stock for each acre of land covered by the canal. The Selah and Moxee Canal Company issued 4,300 shares of stock and George S. Rankin retained 1,700 shares. Thus, he continued to dominate and control the company.

Few, if any, of the stockholders were aware of Rankin's continued interests in the company. However, when it was found that he was still controlling the Selah and Moxee Canal Company, a group of Moxee farmers filed a civil action on December 29, 1910, in the Superior Court, in and for Yakima County, the State of Washington, entitled "Andrew Slavin, et al; Plaintiffs, vs. The Board of Directors of the Selah and Moxee Canal Company, a corporation; Central Washington Investment and Power Company, a corporation; and

the Yakima Orchard Security Company, a corporation; Defendants" (13). George S. Rankin was the principal owner of all three defendant corporations.

The purpose of this suit was to gain a cancellation of the 1,700 shares of stock and to stop the Board of Directors of the Selah and Moxee Canal Company from delivering water for irrigation of the lands under the rights of the 1,700 shares. Because of a lack of funds to fight the company, this action was not brought to court until 1916. (See page 37)

Contract with the Selah and Moxee Canal Company. On February 17, 1912,

The Selah and Moxee Canal Company agreed to sell, assign, transfer and convey to the Central Washington Investment and Power Company, the irrigation canal commonly known as the Selah and Moxee Canal (82).

The intention of the latter company was (1) to pump water from the Selah and Moxee Canal to irrigate its Terrace Heights land, and (2) to try to develop electric power by using the current of the canal to turn paddlewheels.

In this transaction, George S. Rankin, the primary owner of the Selah and Moxee Canal Company, was selling that company to another--the Central Washington Investment and Power Company--in which he was the President and leading stockholder. The Central Washington Investment and Power Company "agreed to spend \$17,000 per year in each of the

next five years [1912-1917] in care, up-keep, maintenance, enlargement, repair and betterment of the canal" (82). It also agreed that if power was developed the assessments would be lowered from two dollars to one-and-a-half dollars above the Selah gap and from one-and-a-half dollars to one dollar below the Selah gap.

The two companies agreed on the basis of one-third each year that,

the present wood flume would be entirely replaced by April 1, 1917 with [a] combination steel flume composed of a cement framework for all supports extending above the surface of the ground, with a good framework constructed of good material and in a first class manner, with a galvanized steel trough or flume for water to flow in. The capacity would be at least eighty (80) cubic feet of water per second (82).

The Central Washington Investment and Power Company made good use of the water from the Selah and Moxee Canal by building three pumping plants which lifted the water to the slopes of Terrace Heights. The company's land turned into one of the finest cultivated areas in the world. At one time it irrigated several hundred acres of orchard, the largest of which was 675 acres, belonging to the Yakima Orchard Security Company.

Legal action. The Central Washington Investment and Power Company did not meet all of the commitments of the contract of February 17, 1912. As stated earlier, the company had agreed to complete the construction of a steel

flume by April 1, 1917, with one-third to be completed by April 1, 1915. When this first date was not met, the Selah and Moxee Canal Company immediately notified the Pacific Coast Casualty Company, which had insured the \$50,000 bond on the Central Washington Investment and Power Company. The Pacific Coast Casualty Company asked for time to negotiate the terms of the contract but never replied to the Selah and Moxee Canal Company. On August 2, 1915, the Central Washington Investment and Power Company refused to pay ". . . a total amount of \$527.86 for work and labor performed upon said canal and for materials furnished" (12).

The Selah and Moxee Canal Company assumed possession and operation of the canal and on January 10, 1916, filed a \$67,676.53 civil action for damages against the Central Washington Investment and Power Company and the Pacific Coast Casualty Company (12). A second case to gain a "Quit Claim" on the 1,700 shares of stock held by George S. Rankin was filed on behalf of Jay Van Wechel, et al; Plaintiffs, vs. The Selah and Moxee Canal Company, et al; Defendants (13).

Besides the charges already described, the method of pumping the water from the canal caused serious shortages of water on the lower end of the canal. The quantity allowed by the 1,700 shares of stock possessed by Rankin's company was restricted only by the capacity of the pumps.

The testimony revealed that the Central Washington

Investment and Power Company had abandoned the canal. However, as the case continued for over two years, it was difficult to prove that the Selah and Moxee Canal Company had really suffered any damages. Furthermore, the farmers of the Moxee Valley had become interested in the formation of an irrigation district as a type of cooperative. Since they had been in a legal fight for six years, now was the opportune time to change. When Rankin's company failed to reconstruct the flume, the farmers of the Moxee Valley, in order to continue operations, had to provide for an alternate water route around the Yakima Ridge.

On February 16, 1917, James O. Cull, attorney for George S. Rankin, made the following proposition to the Selah and Moxee Canal Company to solve the validity of and the rights to the 1,700 shares formerly held by George S. Rankin.

My proposition is this: In order to settle for all time to come the matters and controversies hereintofore referred to and all others involved therein, I propose and offer on behalf of Mr. Rankin and all other holders of any of the said stock originally included in said 1,700 shares of stock held by Mr. Rankin for the purposes aforesaid, that the present holders of said 1,700 shares of stock, their heirs, accessors or assigns, shall and will pay at the rate of \$5.00 per share for each of the 1,700 shares of stock herein referred to for use above the canal, to \$1.00 per share for each of the other 4,300 shares of stock in the Company, up to a limit of \$20,000.00 in the aggregate for the actual purchase of additional water for the use of the said 6,000 shares, said amount to be paid in the manner and upon the terms hereinafter stated, to-wit:

An irrigation district shall be formed to include all lands upon and to which any stock of the Selah and Moxee Canal Company has been heretofore assigned or applied, and to which said district shall also be attached and included any contiguous land to which any part of said stock may hereafter be assigned or applied (if the whole of said stock may hereafter be assigned or applied (if the whole of said stock shall not be so assigned or applied prior to the final formation of said district and included therein), and after said district shall have been formed, there shall be assessed to and collected from the lands to which said 1,700 shares of stock have been or shall be assigned or applied, a special or conditional assessment each year, over and above the general assessments which shall be levied against all lands of said district alike, which when distribution equally over the period of time to be determined by the proper officers, of said district, shall equal, in the aggregate, eighty-five one hundred twenty eighths ($85/128$) of the total sum which shall have been expended for the purpose aforesaid, and within the limits specifics, without any additions thereto for interest or otherwise; provided, however, that said assessment shall extend over at least ten years' time (15).

All of these terms were accepted by the Selah and Moxee Canal Company, but the Board of Directors added one requirement:

. . . [George S. Rankin] shall hereafter also pay to second party [Selah and Moxee Canal Company] any and all assessments and charges heretofore levied upon said stock [154 shares retained by Rankin] by the Board of Trustees of the second party since the year 1909, and which are now unpaid (74).

With this compromise, the validity of the shares of stock in the Selah and Moxee Canal Company held by landowners above the canal was established. They voted overwhelmingly to accept this agreement, and this was the clearance for the formation of the Selah and Moxee Irrigation District.

CHAPTER IV

THE SELAH AND MOXEE IRRIGATION DISTRICT

The right to organize an irrigation district was first recognized by the Act of March 20, 1890, of the first session of the Washington State Legislature. This law empowered a person, persons, or corporations to form an irrigation district to engage in the furnishing or distribution of water for irrigation (See page 16). This was supported indirectly, when the Carey Act of August 18, 1894, failed, in Washington, to help the state to develop its own irrigation program (See page 17). The Warren Act of February 21, 1911, authorized the federal government

to contract for the impounding, storage and carriage of water to an extent not exceeding such excess capacity with irrigation systems operating under the Act of August 18, 1894, known as the Carey Act, and individuals, corporations, associations, and irrigation districts organized for or engaged in furnishing or in distributing water for irrigation (17:140).

Formation

The listed property of sixty-eight individuals, companies and miscellaneous ownerships equaling 2,228 acres organized and filed with the County Commissioners in Yakima a petition for formation of the Selah and Moxee Irrigation District on January 24, 1917 (49). This petition called for the original members to pay one dollar per share of stock.

Those who joined later would be required to pay five dollars for the same stock. This was to be in effect until the amount of expenditures for additional water or water rights and enlargement of the canal reached \$20,000. Thereafter, all shareholders would pay equal assessments.

Organizational election. An election was called by the County Commissioners for February 24, 1917, to be held at the Central School of Moxee, to establish the citizen's desire, and therefore right, to form an irrigation district. The thirty days' waiting period allowed time for the clearance of all possible rights to, and the validity of, the stock of the Selah and Moxee Canal Company.

The election was held with eighty-six votes being cast by the landowners within the proposed irrigation district. Seventy-six voted "Irrigation District--Yes" and three voted "Irrigation District--No." Charles Schmidt, George LeVisconte and Chris Thompson, all running unopposed, were elected the District's first directors, although Andrew Slavin was a strong write-in candidate. Charles E. Barrett, Yakima County Auditor, filed a document declaring the Selah and Moxee Irrigation District organized (49).

Bond election. The first serious problem of the Selah and Moxee Irrigation District was the accumulation of seventy thousand dollars. This sum was to free the District of

obligations to the Selah and Moxee Canal Company, to acquire additional water, and to meet operating expenses for the first year. A special bond election was authorized by the Board of Directors for April 14, 1917, at the Central School in Moxee to determine "whether or not bonds shall be issued in the sum of \$70,000 for the acquisition of necessary property and rights and otherwise and the carrying out of the purposes of said district" (48).

The landowners were unanimous in their passage of the issue. At the special directors' meeting, April 16, 1917, authorization of the \$70,000 in bonds was established. These bonds in denominations of \$100 and \$500 returned six per cent interest per annum, paid semi-annually (62).

On June 23, 1917, the sale of the property of the Selah and Moxee Canal Company to the Selah and Moxee Irrigation District was transacted. The terms were:

All maps, plans and field notes relative to the irrigation system of said Selah and Moxee Canal Company under even date herewith conveyed to the said Selah and Moxee Irrigation District; also all tools, machinery, apparatus, nails, bolts, hardware, cement, paint supplies and materials of every kind and character owned by first party and used in and about the repair, operation and maintenance of said Selah and Moxee Canal; also all personal property of every kind and character belonging to said first party; also all bills receivable and accounts receivable of every kind and nature whatsoever owned and held by said first party and also all other personal property, rights, credits, and choses in action belonging or owing to said first party, save and excepting the sum of \$4,000.00 not collected in cash in the possession

of said Selah and Moxee Canal Company, which may or which may hereafter be legally incurred, including the expense of dissolution of said Selah and Moxee Canal Company (84).

The collection of assessments over the next two years did not prove sufficient. When low water forced the purchase of 2,000 acre-feet of additional water and the costs of maintenance of the canal and flume were higher than anticipated, the Irrigation District reported a deficit of \$7,383.63 on March 4, 1919. The \$70,000 originally appropriated had secured the property and water rights of the stockholders, but it was not enough to continue the services of the Irrigation District.

Securing an Adequate Supply of Water

According to Joseph R. Long, in A Treatise on the Law of Irrigation, ". . . the right to the use of water for irrigation, acquired by priority of appropriation, is property, and is subject to the usual incidents of property, and will be protected as such" (45:130). In 1905, the total rights of the various claimants to use the waters of the Yakima River for irrigation purposes were found to be far more than its natural flow. Calvin Coulter, in "The Victory of National Irrigation in the Yakima Valley, 1902-1906" said,

The situation in the Yakima Valley was complicated . . . because water rights in the Valley were in a chaotic condition generally. Defective legislation permitted the filing of legal appropriations far in excess of the water which was actually used, or even of what was available (14:99).

When the United States Reclamation Service surveyed the Yakima water appropriations, they found this evidence:

There were fifty-five canal systems taking water from the Yakima and Naches rivers between Cle Elum and the mouth of the Yakima. During August, 1905, these canals diverted 1,995 cubic feet of water per second to irrigate some 121,000 acres. This was practically all the water in the river. The Reclamation Service engineers calculated that the normal low-water flow, if there had been no diversion, was about 1,400 cubic feet. The balance . . . came from water that flowed back into the river from the canals. . . . (14:115).

Establishment of water rights and needs. Assurance of an adequate quantity of water always being available required a complete review of the water rights and needs of the Selah and Moxee Irrigation District by the Board of Directors. The majority of their meetings for the following three years involved the hearing of reports and discussions on this subject.

However, their problem was partially solved in 1917, when the State Legislature passed its Water Code. It created the Office of Supervisor of Hydraulics to "supervise the distribution of water in accordance with such determined rights" (70:267).

The Supervisor of Hydraulics surveyed the existing claims of water in each stream of the state, determining if proper appropriations had been made by the previous survey. He found, as the Reclamation Service had in 1905, that more claims for water had been made on the water of the Yakima

River than flowed down it in a peak year. Therefore, a water district was created with a superintendent responsible for establishing the fair apportionment of the separate requests.

After considerable investigation, it was established on October 1, 1918, and recognized by the United States Reclamation Service that the Selah and Moxee Irrigation District has a claim dated 1884 to eighteen second feet of water from the Yakima River (50). The limiting agreement on January 25, 1906 superseded that claim. It established:

. . . the undersigned /Selah and Moxee Canal Company/ claim certain quantities of water from the Yakima River and its tributaries and are willing to limit their claim to the said waters to the quantities of water designated in the following schedule:

April to August Inclusive	September	October
78 cubic feet per second	60 cubic feet per second	40 cubic feet per second (8)

This provided the Selah and Moxee Irrigation District with approximately 19,628 acre-feet of water per season for its potential 6,000 acres of irrigable land. This was well within the recommended three acre-feet of water per acre established under the authority of the Reclamation Act of 1902, but when seepage of the canal and the fine drainage of the soil were considered, the land needed at least four acre-feet of water per acre.

Contracts for storage water. The District needed sufficient water for 1918. Since they could not wait for the

Supervisor of Hydraulics to complete his survey and, subsequently, report, the District opened negotiations with the Yakima Project of the United States Reclamation Service for the purchase of stored water. On July 1, 1918, an agreement was made between Ross K. Tiffany, Project Manager for the United States Reclamation Service, Yakima Project, and Charles Schmidt, President of the Selah and Moxee Irrigation District, for storage and delivery "in the channel of the Yakima River opposite the headwaters of the Selah and Moxee Irrigation District for 2000 acre-feet of additional water . . . at \$2,000.00" (98).

At the meeting of the Board of Directors of the Selah and Moxee Irrigation District on September 4, 1919, Mr. Ross Tiffany gave a speech on the relative water rights situation in the Yakima River. His career had started with the Washington Irrigation Company in the early 1890's. As Chief Engineer for that company on August 17, 1905, he and a helper, Joe Driscoll, dynamited the crib dam (posts driven vertically and logs placed horizontally across the channel) at the outlet of Lake Cle Elum belonging to the Union Gap Irrigation District.

The district's intention was to develop its own storage rights to the lake. However, the dam caused a serious water shortage in the Yakima Valley because it did not have a gate or any method of controlling the flow of water from the lake to the Yakima River. When the water level of the lake had

raised two feet, representing about 4,000 acre-feet of stored water, Mr. Tiffany, acting for his company, took the necessary action to provide a supply of water for the next two weeks. By the release of the water most of the crops of the Valley were saved.

The Union Gap Irrigation District filed a \$1,000 damage suit against the Washington Irrigation Company and criminal proceedings against Ross Tiffany. The first action resulted in a limiting agreement of the water rights of the Union Gap Irrigation District and a trespassing violation by the district on state lands around Lake Cle Elum. In the latter case, Ross Tiffany was found guilty of violating and destroying private property. The Washington Irrigation Company paid his fine (19:24).

Ross Tiffany was the most experienced person in the field of Yakima irrigation. He was well-respected by most of the farmers of the Valley for his long-time leadership and work toward the development of the reclamation program for Central Washington. He was the Project Manager of the Yakima Project and later, the Supervisor of Hydraulics. At the Board of Directors of the Selah and Moxee Irrigation District meeting, September 4, 1919, he indicated that,

In a normal year the Reservation Canal required 147 second feet of water, the Sunnyside Canal, 650 feet, and Snipes-Allen Ditch, 18 second feet, making a requirement at Union Gap of 815 second feet; that two canals in Yakima, namely, the Yakima Valley Canal (or Congdon Ditch) and the Selah and Moxee Canal were

subsequent in point of time to the three canals named, and that at any time the low-water flow at Union Gap fell below 815 second feet, these canals in order of priority should be cut off from supply, or if they were not cut off, the flow of water greatly reduced; that the Selah and Moxee Canal had a prior right to that of Yakima Valley Canal; that the Yakima Valley Canal's appropriation of water flow was 62 second feet; that beginning with August 19, 1919, there was a deficiency in the normal flow of water in the river under 815 second feet; that under date of September 1, 1919, the Selah and Moxee Irrigation District was notified of this fact, and that on this date the river receded to a point where all of the water used by the Selah and Moxee Canal Company [sic] except 18 second feet of an earlier appropriation consisted of stored water; that the Selah and Moxee Canal Company [sic] should be called upon to pay rental of one dollar per acre-foot for stored water used during the season of the year 1919 (52).

This presentation was so convincing that the Board of Directors agreed at this meeting to purchase a permanent water right to supplement the established water rights of the Selah and Moxee Irrigation District. However, no action or contract was immediately forthcoming.

The year 1920 experienced another low-water flow in the Yakima River. When the flow of water in July fell far below the 815 second feet, the Board of Directors met August 3, 1920, and estimated and determined that the district required "3,000 acre-feet of stored water in addition to the amount of water to which it is entitled . . . by virtue of its appropriations in the Yakima River" (64). This additional water brought the district's total to 22,628 acre-feet of water.

The Board called a special election for September 18, 1920, for the approval of the \$36,000.00 contract with the United States Reclamation Service. The contract was adopted but, interestingly enough, a companion motion for \$12,000 for additional improvement, repairs and maintenance of the canal, was turned down.

On November 10, 1920, a special meeting was called to discuss the coming contract with the United States Reclamation Service. It was discovered by the United States Reclamation Service that the appropriation claims of the Selah and Moxee Irrigation District were subsequent to the Yakima Valley Canal Company instead of prior to that appropriation as had been assured (65).

Thus, the need was now clearly established for a contract to purchase an adequate quantity of stored water. The service and survival of the irrigation district and the many farmers in the East Selah and Moxee valleys depended on this transaction. On November 15, 1920, the Selah and Moxee Irrigation District entered into a contract with the United States Reclamation Service which said in part,

The United States will furnish to the District the use and benefit of 3,000 acre-feet of storage capacity in the storage reservoirs operated by the United States on the tributaries of the Yakima River, and will each year turn out of said reservoirs for the District, as nearly as shall be reasonably practicable, the proportionate part of the stored water actually available that 3,000 acre-feet of storage capacity is of the total storage capacity of said reservoir system; said supply to be delivered

as nearly as practicable in compliance with orders of the District given at least five days in advance of the requirements. . . .

The District shall pay to the United States such proportionate part of the total cost of the works constructed to store such waters as 3,000 acre-feet bears to the total storage capacity of the reservoir system. . . . It is further understood and agreed that the present probable cost of the aforesaid 3,000 acre-feet of storage is \$36,000.00, but that total cost as determined by the Secretary of the Interior may be more or less than the aforesaid probable cost (99).

The irrigation district experienced a greater need and use of water as the amount of acreage being farmed increased. This was the reason for the shortage in the two years previously described. During the latter part of the irrigating season of 1930, the Board of Directors recognized still further need for additional water. The tunnel, through the Yakima Ridge, was now completed so they could bring the full appropriation of water to the Moxee Valley without fear of the flume breaking down. In a temporary water-rental contract of August 14, 1930, the Selah and Moxee Irrigation District paid the United States Reclamation Service \$242.24 for 403.73 acre-feet of natural flow and stored water that was used during the months of July and early August (100).

With this quantity of water over and above the amount provided by the limiting agreement of January 25, 1906, and the purchase of 3,000 acre-feet of stored water on November 15, 1920, there was serious consideration given the purchase

of additional stored water. On November 17, 1930, the Board of Directors called for a special election on December 9, 1930, for the approval of a contract with the United States Reclamation Service for "stored water and natural flow to the extent of 1,757 acre-feet . . . in addition to the water supply provided in the contract of November 15, 1920" (68).

The contract was accepted by the stockholders of the district by a sixty-five to two margin (71) and the additional water was to be delivered from 1931 on, according to the following mutually agreed schedule.

. . . the United States will annually deliver to or for the Contractor Selah and Moxee Irrigation District stored water and natural flow to the extent of 1,757 acre-feet to be delivered by the United States in the Yakima River at the head of the Selah and Moxee ditch, of which amount it is agreed and understood that 140 acre-feet is not to be delivered until after the completion of the proposed Cle Elum reservoir. . . . The mean monthly supply of water to be furnished under this contract shall not exceed the following schedule of percentages of the total annual diversion:

Month	Per Cent	On Execution of Contract Acre-feet	Additional on Enlargement of Cle Elum Reser- voir. Acre-feet	Total of Contract Acre-feet
April	10	161.70	14.00	175.70
May	14	258.72	22.40	261.12
June	19	307.23	26.60	333.83
July	21	339.57	29.50	368.97
August	20	323.40	28.00	351.40
September	14	226.38	19.60	245.98
Total	100	1,617.00	140.00	1,757.00 (68)

This represented a total water supply through appropriation and purchase of stored water of approximately 24,385 acre-feet (26). This amount was sufficient to meet the needs of the district even during a dry season.

Construction Projects

Due to the nature of the organization of the Selah and Moxee Irrigation District a construction or renewal project necessitating any increased expenditure of funds causing higher assessments required approval by the shareholders. By 1916 the flume was in poor condition and needed repair or replacement. The ditch suffered serious damage in 1923 from flooding and therefore needed permanent repair. In 1928, the full realization that the flume couldn't perform its intended purpose without a high cost of maintenance created the desire for building a tunnel from the East Selah Valley through the Yakima Ridge to Terrace Heights, insuring the delivery of water to the Moxee farmers. Each of these efforts required the approval of large assessments on each shareholder in order to pay for the bonds that were sold in order to initiate the construction.

Basic canal maintenance. The flume was built in 1901 by the E. C. Burlingame Company. It was six feet wide and four feet high and made of fine two by twelve inch lumber. The Central Washington Investment and Power Company had agreed to replace it by April 1, 1917, with a steel trough,

but, as described earlier, abandoned the contract. The first section was considered to be in poor condition in 1916 and in need of immediate replacement. The Moxee farmers had to have water and if the flume failed they would lose their entire crops.

The urgency of their need was shown in November, 1919, by the effort of some of the Moxee farmers in supporting a \$45,000 bond issue for the repairing or replacement of the flume. The bids were called for and the construction of a 7,600 foot section of wood flume was completed in the spring of 1920. The Douglas fir lumber was purchased from the Continental Pipe Manufacturing Company of Seattle, Washington.

In August, 1925, the widening and straightening of the canal near the north end of the Selah Gap was deemed necessary by the Board of Directors. The canal had been damaged in 1916 and 1923 by flooding and the repairs had been temporary. In the latter year, the flooding had caused serious damage to the properties of Mr. and Mrs. William Heimsoth and Mr. and Mrs. W. F. Hinz in the East Selah Valley. The Selah and Moxee Irrigation District paid \$275 on December 7, 1923, as a compromise for the two acres of cabbage and four acres of ground that was damaged (54).

On August 28, 1925, the Board of Directors approved the bid and made a contract with Charles Holstead and John Noel, partners in Holstead and Noel, Contractors. They

agreed to construct and complete 2,776 feet of enlarged channel of the canal in the East Selah Valley near the beginning of the flume, for a cost of \$6,474.50. This involved the excavation of 18,500 cubic yards of soil to be completed by December 15, 1926. The project was completed with such satisfaction that no serious trouble has since occurred to this section of the canal.

Tunnel. The flume through the Selah Gap was considered "extremely dangerous to the district and to the public traveling the state highway" (66). Some of the blasting used in removing part of the hillside for the roadway had loosened the flume's foundation causing it to leak. The cost of maintenance was high and the irrigation of lands in the Moxee Valley was jeopardized by the possibility of a break or collapse in the 20,000 foot waterway.

Mr. C. E. Crownover and Mr. C. DeVere Fairchild, engineers, were independently employed to assess the condition of the flume and evaluate the feasibility of constructing a tunnel through the Yakima Ridge. These two men appeared at the December 2, 1927, Board of Directors meeting to report on their findings. Mr. Crownover reported that they thought the tunnel would be about 9,000 feet long and would require about forty per cent concrete lining. He estimated the cost at \$110,000 to \$115,000 after salvaging the equipment used in the construction project (66).

On January 21, 1928 the two engineers presented a formal estimate of \$200,000. They reported that the tunnel would eliminate 20,000 feet of flume which was in a bad state of repair and difficult to maintain because of its location on the side hill paralleling the state highway for a distance of two-and-a-half miles. Walt Rivard, a long-time Moxee hop rancher, had a stronger argument. "We had to be assured of a supply of water and this was the way to get it]" (32).

The Board of Directors prepared a report to be sent to Olympia, Washington concerning the property and requesting the approval of the issuance of serial bonds for \$200,000. They had good reason for leading the fight to get the tunnel. James McAulay owned an orchard in the Terrace Heights area which had suffered from lack of water several times in the past. William Meiras was a farmer in the Dutch community called the Holland district and Ovide Brulotte represented the French, who made up the majority of the farmers in the Moxee Valley. Ovide led the fight to get the survey and was subjected to considerable abuse by farmers who opposed the idea. He was convinced that if they did not get the tunnel completed they were through farming (24).

Ralph B. Williamson, a Yakima attorney, was the Secretary of the Selah and Moxee Irrigation District from its beginning. He went to Seattle to attract prospective bondholders but found none who were interested because of the

weaknesses found in the general obligation feature of irrigation district bonds. There were two cases in the state courts involving this feature. The most important was the Columbia Irrigation District vs. Benton County. The district was trying to establish whether a county could tax irrigation district property. The Supreme Court of Washington held that irrigation districts were quasi-municipal corporations and were of a public nature and that the legislature had authority to exempt them from taxation (58). Thus, irrigation districts would not be taxed and their bonds offered sound security.

On his return, Mr. Williamson made contact with Mr. J. M. Corbett, a representative of the Union Trust Company. Mr. Corbett, acting on behalf of his company, agreed to establish the bonds. The serial bonds were then created for \$200,000 to be retired within fifteen years. It meant that the landowners would be assessed \$5.50 per share until the bonds matured. A special election for June 15, 1928, was called to approve the issuance of the bonds.

James D. McAulay, the President of the Selah and Moxee Irrigation District, placed an ad in the Yakima Republic on May 21, 1928, for bids on the construction of the 9,600 foot tunnel. The sealed bids were to be received in the office of the district by June 18, 1928. When the bond issue passed, the clearance for opening the bids was established and the

contract was awarded to Ramsey and Jordan, a construction firm.

The bonds were sold to the Washington Mutual Savings Bank of Seattle, Washington on June 26, 1928. The bank agreed to pay for the bonds at ninety-nine per cent of par value and to have purchased not less than \$150,000 worth within eighteen months after July 1, 1928. These bonds were payable semi-annually, bearing six per cent interest per annum. The first series would mature on January 1, 1938 (90).

Ovide Brulotte went to Montana and hired four hard-rock miners to do the work of blasting and driving the tunnel through the Yakima Ridge. He bought used mining equipment and several head of mules that would be used in the five-foot shaft. This trip saved the district an estimated \$48,000 (24).

On September 19, 1923, C. DeVere Fairchild, the engineer hired by the district, reported that work had begun on each end of the projected tunnel. An engineering feat in the finest tradition, the tunnel was five feet in diameter with a drop of about twelve feet between the portals. The intent was to dig the tunnel by beginning at each end and meeting in the center. This project progressed amazingly fast because the crews worked around the clock on twelve-hour shifts. Considering the fact that the entire distance had to be dug by hand and then removed by mule-drawn carts to the surface,

the two "gangs" averaged over five hundred feet per month.

The "gangs of workers" encountered water under pressure at 1,350 feet from the entrance of the south portal on March 14, 1929. About four cubic feet of water per second flowed from the mouth of the south portal that night. Interestingly, the temperature of this water was sixty-eight degrees while the tunnel temperature was sixty-four degrees and the tap water of Yakima was forty-four degrees (60). About a month later, Joe McKay made a claim for damages with the district for diverting water from a spring he had been using one-quarter mile from the south portal of the tunnel. No action was ever taken by the Board.

On April 19, 1930, the two "gangs" broke through and met at 7:00 a.m. Mr. Fairchild reported that the "centerline of the drive met within 1/4 of an inch and that the actual length of the tunnel driven was within a foot of the length estimated" (61). Two months later on June 19, 1930, the Board of Directors held a special meeting to inspect the tunnel. After walking through it, they found that the tunnel conformed in every respect to the specifications of the contract (67).

The Coming of the Roza Canal

The idea of George S. Rankin to construct a high-line canal became a reality when the Yakima Project developed the Roza Canal. Supplied by reservoirs at Lake Keechelus, Lake

Kachess, and the larger Lake Cle Elum, the ninety-six mile canal would irrigate seventy-two thousand acres in the lower Yakima Valley. It would turn the dry, upper levels of the south slopes of the Rattlesnake Ridge into excellent orchard, hay, and vegetable farmland. Its effect on the Selah and Moxee Irrigation District was of little consequence except that it carried 2,200 second feet of water for irrigation and in addition ran the project's 12,000 horsepower plant in Terrace Heights. With the Roza Canal ninety feet in elevation above the Selah and Moxee Canal, the amount of moisture in the ground immediately above the Selah and Moxee right of way has increased greatly in the last twenty years.

The Terrace Heights Irrigation District was located in the Terrace Heights area above the Selah and Moxee Irrigation District. It was formed after most of the George S. Rankin interests above the Selah and Moxee Canal were liquidated. It purchased 878.5 acre-feet of water from the United States Reclamation Service on March 24, 1930. This water was to be delivered "at the intake of the Selah and Moxee Canal" and then delivered to the "various points of diversion" where it would be pumped to the Terrace Heights Irrigation District's land (95). The "various points of diversion" were the three pumping stations developed by the Central Washington Investment and Power Company. The Terrace Heights Irrigation District purchased 295 shares of Selah and Moxee Irrigation District stock at \$5.48 per share for this service.

In 1934, the former agreement was amended by adjusting the maximum amount of water delivered by the Selah and Moxee Irrigation District and reducing the number of shares of stock held by the Terrace Heights Irrigation District. They deducted ten per cent of the 878.5 acre-feet of water for evaporation and seepage. The amount left was evaluated at equal to 265 shares of the Selah and Moxee Irrigation District (96).

On October 27, 1939, the Terrace Heights Irrigation District requested a release from its January 24, 1934, contract with the Selah and Moxee Irrigation District. The reason was:

. . . the United States is now constructing a diversion dam and canal system and other irrigation works for the Roza Division of the Yakima Project which will pass through the center of the Terrace Heights Irrigation District and which will have sufficient capacity to carry all the said water of the Terrace Heights Irrigation District from the diversion point Roza Dam in the Yakima River to the lands of the Terrace Heights Irrigation District.
. . .

. . . the Terrace Heights Irrigation District is desirous of having said water carried through the main Roza Canal instead of through the canal of the Selah and Moxee Irrigation District and is about to enter into a contract with the United States, whereby the United States will agree to deliver said water to the Terrace Heights Irrigation District through the said Roza Canal (88).

This release went into effect on October 27, 1939, although the actual use of the Roza Canal to convey the purchased, stored water came in the spring of 1940. This

agreement did not affect the Terrace Heights Irrigation District's share of the debts on the two bond issues being paid by the Selah and Moxee Irrigation District.

On February 11, 1942, this episode of the Selah and Moxee Irrigation District was closed with the signing of Yakima Project Superintendent's, D. E. Bell, arrangement. It established the charges for operation and maintenance relating to the purchased storage water provided in the agreements of November 15, 1920, and April 30, 1931. These charges, formerly billed entirely to the Selah and Moxee Irrigation District, would be billed at a rate of ten per cent to the Terrace Heights Irrigation District and the remaining ninety per cent to the Selah and Moxee Irrigation District. No reduction of water, except the 878.5 acre-feet of water delivered in the Roza Canal, was taken from the Selah and Moxee Irrigation District.

Thus, the Selah and Moxee Irrigation District was able to receive its 24,385 acre-feet of water with the Terrace Heights Irrigation District being billed for ten per cent of the maintenance and operation costs of the 4,757 acre-feet of stored water (see pages 52-54). The Selah and Moxee Irrigation District has since operated on this amount of water.

CHAPTER V

SUMMARY AND CONCLUSIONS

The author's objective was to recognize the Selah and Moxee Irrigation District as the means by which most of the farmers of these two valleys have been able to continue operations for over six decades. It was also to identify those responsible for recognizing the potential of the arid lands of these valleys.

While it is true that most of the farmers in the East Selah Valley continued operations under the Selah and Moxee Canal, it is not entirely true in the Moxee Valley. There are several small irrigation developments besides the Roza Project which provides irrigation water for more land in these two valleys than the Selah and Moxee Irrigation District and all the others combined. However, many of the farmers of the Moxee Valley received the benefit of the Selah and Moxee Canal.

It is generally known that there are five essentials in irrigation development of arid lands that are necessary for success: (1) productive land, (2) sufficient water, (3) reasonable construction costs, (4) adequate settlement, and (5) leadership. The author has found that in varying degrees these were all characteristic of the Selah and Moxee Irrigation District.

First, the Selah and Moxee valleys are recognized as some of the best farm land in the entire West. The soil is continuing to produce near-record crops of hops, fruit, vegetables, and grains. This land has a high cash value and it is difficult to find any for sale.

Second, there was sufficient water for the East Selah and Moxee valleys because of the early appropriations and the limiting agreement of January 25, 1906. The people of these two valleys were guaranteed enough water to meet their needs. Their problem was getting the water around the Selah gap. The final quantity of water appropriated and purchased by the irrigation district, 24,385 acre-feet, has been sufficient to meet any needs of the district.

Third, the construction cost of the entire Selah and Moxee Canal and flume in 1901 was \$37,000. It took some time for the canal company to get "on its feet" financially. The Central Washington Investment and Power Company gave limited assistance from 1913 to 1915, but then abandoned the canal causing further hardship. Even though the costs of reconstructing the flume and later, the tunnel, were high, the irrigation district never experienced much difficulty in collecting the assessments. Most of the farmers agreed that it was the "price that had to be paid" to get water to their land.

Fourth, the area served in the East Selah and, most

important, the Moxee Valley by the Selah and Moxee Canal was well-populated. The fact that George S. Rankin was able to announce in 1909 that the capacity of 4,300 shares of water had been reached indicated full settlement of the area below the canal. When the irrigation district was formed in 1917, 2,228 acres of land below the canal were represented. It was only a short time before the remaining acres had paid the five dollars an acre to join the district. The full utilization of the canal's service is attested by the need to purchase additional water on November 15, 1920, and again on April 30, 1931.

Finally, the leadership of George S. Rankin, Ovide Brulotte and others must be recognized. These men brought reality to dreams and ideas. Rankin's idea of developing a great orchard area in the Terrace Heights region inspired the creation of the Selah and Moxee Canal Company and much of the land development above the canal. Ovide Brulotte's interest in the tunnel became reality only by his diligent efforts and the cooperation of the other community-minded farmers of the Moxee Valley.

This irrigation district was the binding force of a group of strong-willed people who believed that their canal could best serve their needs. It made their lands productive and therefore, they made it a permanent operation, untouched or controlled by the federal government and limited to the carrying of irrigation water to their lands within the Selah and Moxee Irrigation District.

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